

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 23, 2005. Reconsideration and allowance of the application and presently pending claims 1-4, 7-18, 21-24 and 26-29, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-4, 7-18, 21-24 and 26-29 remain pending in the present application. More specifically, claims 1, 9, 13-14, 22 and 26 are directly amended, and claims 5-6, 19-20 and 25 are canceled without prejudice, waiver, or disclaimer. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 6, 9 and 13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

With respect to claim 6, the Office Action alleges that the phrase “the transfer control” has insufficient antecedent basis. Claim 6 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Accordingly, Applicant respectfully requests that the rejection to this claim be withdrawn.

With respect to claim 9, the Office Action alleges that the phrase “the transfer control” at line 4 has insufficient antecedent basis. However, Applicant can not find the use of this phrase in claim 9. Accordingly, Applicant respectfully requests that the rejection to this claim be withdrawn.

With respect to claim 13, the term “concurrently” used at line 3 is allegedly indefinite and should be changed to the phrase “substantially concurrently.” Applicant has amended the claim as suggested and respectfully requests that the rejection to this claim be withdrawn. Applicant notes that the phrase “substantially concurrently” is broader in scope than the term “concurrently.” Accordingly, the amendment to claim 9 regarding this phrase is a broadening amendment.

3. Response to Rejection of Claims 1-29 Under 35 U.S.C. §102(e)

In the Office Action, claims 1-29 stand rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable by *Middleton* (U.S. Pub. No. 2004/0259590). For a proper rejection of a claim under 35 U.S.C. § 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Independent Claims 1, 9, 14 and 22

Applicant respectfully submits that independent claim 1, as amended, is allowable for at least the reason that *Middleton* does not disclose, teach, or suggest the feature of displaying “identifying that portion of the image information responsible for the representation, is responsive to a transfer control and presents visible indicia on the unmodified representation to demark a select portion of the image information” as recited in claim 1. Independent claims 9, 14 and 22 as amended, are allowable for at least the reason that *Middleton* does not disclose, teach, or suggest the feature of displaying “identifying that portion of the image information responsible for the representation” and “presenting at least one visible indicia on the unmodified representation to demark a select portion of the image information” as recited in claims 9, 14 and 22.

At most, *Middleton* discloses that “a user may manipulate multi-function control 142 to zoom in or out on a scene while viewing the scene on the display 140.” (Paragraph 24). *Middleton* does not disclose anywhere demarking a selected portion of an image with at least one indicia. Thus, *Middleton* does not anticipate claims 1, 9, 14 and 22, and the rejection should be withdrawn.

b. Claims 2-4, 7-8, 10-13, 15-18, 21, 23-24 and 26-29

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-4 and 7-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-4 and 7-8 contain all features/elements of independent claim 1. Similarly, because independent claims 9, 14 and 22 are allowable, claims 10-13 (which depend from claim 9), claims 15-18 and 21 (which depend from claim 14) and claims 23-24 and 26-29 (which depend from claim 22) are allowable as a matter of law for at least the reason that these dependent claims

contain all features/elements of their respective independent base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

c. Claims 5-6, 19-20 and 25

Claims 5-6, 19-20 and 25 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-4, 7-18, 21-24 and 26-29 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Raymond W. Armentrout', is written over a horizontal line.

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